

**HOGAN & HARTSON L.L.P.**

500 SOUTH GRAND AVENUE  
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**IMPORTANT NOTICE**  
**TELECOPY/FACSIMILE COVER LETTER**

TO: Julia Batts  
Technology Center 1600

DATE: 11/10/2003

FROM: Vivian M. Gutierrez,  
Assistant to Barry M. Shuman

TIME: 3:10 PM

TOTAL NO. OF PAGES, INCLUDING COVER: 18

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**MESSAGE:**

U.S. Patent Application Serial No. 09/478,977

Inventor: Peter C. BROOKS

Filed: January 6, 2000

Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

Julia:

For your information, this Petition was faxed to Examiner Harris at Group Art Unit 1642. Can you please ensure she gets a copy of this as soon as possible?

Thank you so much for your assistance,  
Vivian M. Gutierrez

**FOR INTERNAL PURPOSES ONLY**

TELECOPY/FAX NUMBER: (703) 308-4315

CLIENT NUMBER: 89188.0007

ATTORNEY BILLING NUMBER: 2758

CONFIRMATION NUMBER: (703) 308-1234

## Confirmation Report - Memory Send

Page : 001  
 Date & Time: Nov-10-03 02:18pm  
 Line 1 :  
 Line 2 :  
 Machine ID :

Job number : 845  
 Date : Nov-10 02:14pm  
 To : 9982758891880007#17039084315  
 Number of pages : 016  
 Start time : Nov-10 02:14pm  
 End time : Nov-10 02:18pm  
 Pages sent : 016  
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## IMPORTANT NOTICE

## TELECOPY/FACSIMILE COVER LETTER

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TO: Examiner Anna M. Harris  
 Service Art Unit 1642  
 Commissioner for Patents

DATE: 11/10/20 3

FROM: Barry M. Skuman

TIME: 12:35 PM

TOTAL NO. OF PAGES, INCLUDING COVER: 16

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## MESSAGE: (900 CHARACTER LIMIT)

U.S. Patent Application Serial No. 09/478,977  
 Inventor: FRED C. BROOKS  
 Filed: January 6, 2000  
 Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

PLEASE SEE THE ATTACHED PETITION AND SUPPORTING DOCUMENTS.

Thank you,  
 Barry M. Skuman

## FOR INTERNAL PURPOSES ONLY

TELECOPY/FAX NUMBER: (703) 892-6386  
 CLIENT NUMBER: 80182-0007  
 ATTORNEY BILLING NUMBER: 2768  
 CONFIRMATION NUMBER: (703) 388-1234

**HOGAN & HARTSON L.L.P.**

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**IMPORTANT NOTICE**  
**TELECOPY/FACSIMILE COVER LETTER**

TO: Examiner Alana M. Harris  
Group Art Unit 1642  
Commissioner for Patents

DATE: 11/10/2003

FROM: Barry M. Shuman

TIME: 12:35 PM

TOTAL NO. OF PAGES, INCLUDING COVER: 16

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**MESSAGE: (900 CHARACTER LIMIT)**

U.S. Patent Application Serial No. 09/478,977

Inventor: Peter C. BROOKS

Filed: January 6, 2000

Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

PLEASE SEE THE ATTACHED PETITION AND SUPPORTING DOCUMENTS.

Thank you,  
Barry M. Shuman

**FOR INTERNAL PURPOSES ONLY**

TELECOPY/FAX NUMBER: (703) 892-9306

CLIENT NUMBER: 89188.0007

ATTORNEY BILLING NUMBER: 2758

CONFIRMATION NUMBER: (703) 308-1234

Application Serial No. 09/478,977

PATENT  
13761-727 (89188.0007)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter C. BROOKS

Serial No: 09/478,977

Filed: January 6, 2000

For: METHOD AND COMPOSITION  
FOR ANGIOGENESIS INHIBITION

Art Unit: 1642

Examiner: Harris, Alana M.

**PETITION TO RESET A PERIOD FOR REPLY  
DUE TO LATE RECEIPT OF AN OFFICE  
ACTION UNDER MPEP §710.06**Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being transmitted via facsimile (703) 308-4242) to :	
Commissioner for Patents	
P. O. Box 1450	
Alexandria, Virginia 22313-1450, on	
November 10, 2003	
Date of Deposit	
Barry M. Shuman, Reg. No. 50,220	
Name	
Signature	Barry M. Shuman 11/10/2003
	Date

Dear Sir:

Applicants are in receipt of an Office Action *dated May 13, 2003* in connection with the above-identified application, which was *faxed* to the applicants on *November 7, 2003* by Julia K. Batts of the Technology Center 1600. A copy of the facsimile cover sheet is included. Also, included is a copy of the front page of the Office Action as faxed, which shows the date and the time the fax was received by applicants at the correspondence address (Exhibit A).

On October 23, 2002, applicants filed Continuing Prosecution Application containing the following new correspondence address (see Exhibit B, page 4, item 10):

Application Serial No. 09/478,977

PATENT  
13761-727 (89188.0007)

William E. Thomson, Jr.  
Hogan & Hartson, L.L.P.  
Biltmore Tower  
500 South Grand Avenue, Suite 1900  
Los Angeles, CA 90071  
Telephone: (213) 337-6700  
Fax: (213) 337- 6701

The postcard evidencing the receipt of the CPA request with the request for address change is enclosed (see Exhibit B, page 1). On March 12, 2003, PTO mailed the Corrected Filing Receipt acknowledging CPA to the old correspondence address at McCutchen, Doyle, Brown, and Enersen LLP (Exhibit C, page 1). McCutchen forwarded the Corrected Filing Receipt to the attorney for the applicants at the new correspondence address on March 19, 2003 (Exhibit C, page 3). The Notice of Publication of Application dated June 19, 2003 was also mailed to McCutchen. McCutchen forwarded the Notice to the attorney for the applicants at the new correspondence address on July 21, 2003 (Exhibit C, page 4).

On October 31, 2003, while conducting a routing review of the file, the attorney for the applicants discovered that over a year has elapsed since the CPA filing and no Office Action has been received. The search of the Patent Application Information Retrieval has revealed that an Office Action was mailed on May 13, 2003 (Exhibit D, page 1). Attorney for the applicants contacted McCutchen to find out whether the Office Action has been received at the old mailing address. Edwina Felini of McCutchen checked the files and did not find any records reflecting a receipt of the Office Action. She also noted that it is their normal business practice to promptly forward all correspondence from the PTO to the new attorney in the

Application Serial No. 09/478,977

PATENT  
13761-727 (89188.0007)


cases that they are not handling anymore. At the request of the attorney for the applicants, on *November 7, 2003*, Julia K. Batts of the Technology Center 1600 faxed the Office Action of May 13, 2003.

The non-extendible six-month-period for reply to the Office Action of May 13, 2003 ends on November 13, 2003, which is less than a week from the date the Office Action was received by the applicants for the first time. Since a substantial portion of the set reply period had elapsed on November 7, 2003, applicants respectfully request the Examiner to reset the time for responding to the Office Action. Applicants believe that the mailing date of the Office Action should be reset to November 7, 2003 with the six-month period for reply ending on May 7, 2004. Applicants ask the Examiner to confirm the grant of this petition by fax to (213) 337- 6701 at the Examiner's earliest convenience but before the six-month due date of November 13, 2003.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Dated: November 10, 2003

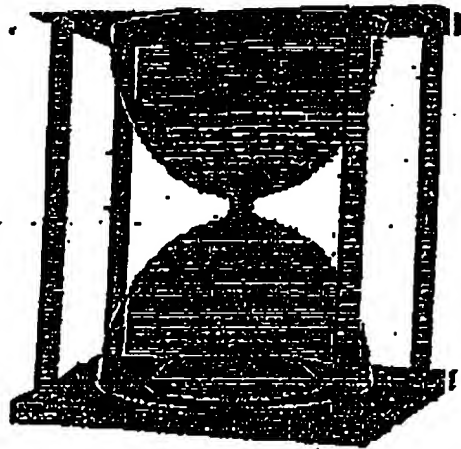
By:   
Barry M. Shuman, Ph.D.  
Registration No. 50,220

Biltmore Tower  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Telephone: 213-337-6700  
Fax: 213-337-6701

11/07/03 FRI 18:08 FAX 7033057230

CP 1800 FAX 8

001

Exhibit A  
page 1 of 2

## FACSIMILE COVER SHEET

Technology Center 1600.

DATE: Friday, November 7, 2003ATTN: Vivian GutierrezFax Number: 213/337-6701FROM: Julia R. Batts

Fax Number:

NUMBER OF PAGES 11 INCLUDING THIS PAGEREMARKS: Hi Vivian, regarding the message to the examiner, do you have a postcard receipt showing your initial mailing of the change of address, because that's all you need.

IF YOU HAVE NOT RECEIVED ALL PAGES OF THIS TRANSMISSION, PLEASE

CONTACT Julia Batts AT 703/308-1234

Nov-10-03 03:20pm From-Hogan & Hartson L.L.P. Los Angeles, CA 1 213 337 6701  
11/07/03 FRI 16:08 FAX 7033057230 GP 1800 FAX 6

T-555 P.008/018 F-436

2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,977	01/06/2000	PETER C. DROOKE	13761-727	2450

7590 05/13/2004  
RAJIV YADAV  
MCCUTCHEN DOYLE BROWN & ENESEN LLP  
THREE EMBARCADERO CENTER  
SAN FRANCISCO, CA 94111

EXAMINER	
HARRIS, ALANA M	
ART UNIT	PAPER NUMBER
1640	

DATE MAILED: 05/13/2003

2-2

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-50C (Rev. 07-01)

Received Nov-07-03 12:10pm

From-7033057230

To-Hogan & Hartson L.L.

Page 002

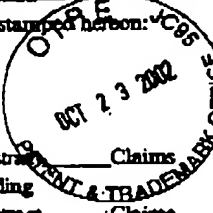


Exhibit B  
page 1 of 4

S.N. \_\_\_\_\_ File No. 89188.0008 Date Mailed 10/23/02 By: WET/wh  
Method and Composition for Angiogenesis Inhibition  
 (Client Name) University of Southern California  
 The Following due 10-23-02 in the U.S. Patent and Trademark office was received in the Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment	Drawing: # of Sheets _____
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Formal <input type="checkbox"/> Informal
<input type="checkbox"/> PCT Application Including	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Pages Spec. _____ Page Abstract _____ Claims _____	<input type="checkbox"/> Letter Re _____
<input type="checkbox"/> Application for Patent Including	<input type="checkbox"/> Notice of Appeal _____
<input type="checkbox"/> Pages Spec. _____ Page Abstract _____ Claims _____	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Declaration, Affidavit of Oath ( _____ Page(s) )	<input type="checkbox"/> Advance soft copy order _____
<input type="checkbox"/> Assign. Ck No. _____ for \$ _____	<input type="checkbox"/> Ck. No. _____ For \$ _____
<input type="checkbox"/> Verified Statement _____	<input type="checkbox"/> IDS: _____ References _____
<input type="checkbox"/> Letter of Transmittal _____	<input type="checkbox"/> Certified Copy# of docs _____
<input type="checkbox"/> Amendment Under 37 C.F.R.1.312 (a) _____	<input type="checkbox"/> Priority _____
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> <u>Continued Prosecution Application (CPA) Request, Transmittal</u>
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> <u>Certificate of Mailing</u>
<input type="checkbox"/> Check No. _____ for \$ _____	

EL715817126US

S.N. \_\_\_\_\_ File No. 89188.0008 Date Mailed 10/23/02 By: WET/wh/wh  
Method and Composition for Angiogenesis Inhibition  
 (Client Name) University of Southern California  
 The Following due 10-23-02 in the U.S. Patent and Trademark office was received in the Patent & Trademark Office on the date stamped hereon: 

<input type="checkbox"/> Amendment	Drawing: # of Sheets _____
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Formal <input type="checkbox"/> Informal
<input type="checkbox"/> PCT Application Including	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Pages Spec. _____ Page Abstract _____ Claims _____	<input type="checkbox"/> Letter Re _____
<input type="checkbox"/> Application for Patent Including	<input type="checkbox"/> Notice of Appeal _____
<input type="checkbox"/> Pages Spec. _____ Page Abstract _____ Claims _____	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Declaration, Affidavit of Oath ( _____ Page(s) )	<input type="checkbox"/> Advance soft copy order _____
<input type="checkbox"/> Assign. Ck No. _____ for \$ _____	<input type="checkbox"/> Ck. No. _____ For \$ _____
<input type="checkbox"/> Verified Statement _____	<input type="checkbox"/> IDS: _____ References _____
<input type="checkbox"/> Letter of Transmittal _____	<input type="checkbox"/> Certified Copy# of docs _____
<input type="checkbox"/> Amendment Under 37 C.F.R.1.312 (a) _____	<input type="checkbox"/> Priority _____
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> <u>Continued Prosecution Application (CPA) Request, Transmittal</u>
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> <u>Certificate of Mailing</u>
<input type="checkbox"/> Check No. _____ for \$ _____	

Exhibit B  
page 2 of 4

PATENT  
Attorney Docket No: 89188.0008 (formerly 13751-727)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter C. Brooks

Serial No:

Filed: Herewith

For: METHOD AND COMPSOTON FOR ANGIOGENESIS  
INHIBITION

Art Unit:

Examiner:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EL715817126US

Date of Deposit: October 23, 2002

Box CPA  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ two copies of a letter of transmittal for Continued Prosecution Application (CPA) Request
- ☐ check in amount of \$ [AMT OF FILING FEE] as filing fee
- ☐ patent application ( [# OF PG(S) OF SPEC] page(s) of specification; [# OF CLAIM(S)] claim(s); [# OF PG(S) OF ABSTRACT] page(s) of abstract
- ☐ [# OF SHEET(S) OF DWGS] sheet(s) of informal drawings
- ☐ executed Declaration and Power of Attorney
- ☐ assignment of the invention to [NAME OF ASSIGNEE]
- ☐ certified copy of [COUNTRY] patent application No. [APPL'N #] which was filed [FILING DATE] from which priority is claimed in the subject case pursuant to 35 U.S.C. § 119
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement with [# OF REFERENCES] references
- ☒ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box CPA  
Commissioner for Patents  
Washington, D.C. 20231.

Date: October 23, 2002

Hogan & Hartson, LLP  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Telephone: 213-337-6700  
Facsimile: 213-337-6701

Nilka Mickey

Name of person mailing papers

Signature

Please type a plus sign (+) inside this box: ☒Exhibit B; page 3 of 4

PTO/SB/29 (1/98)

Approved for use through 09/30/00, OBM 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional Application under 37 CFR 1.53(d))CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:  <b>Commissioner for Patents Box CPA Washington, DC 20231</b>	Attorney Docket No.	13761-727 (New Dkt. No. 89188.0008)
	First Named Inventor	Peter C. Brooks
	Express Mail Label No.	EL715817126US
	Total Pages	3

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/478,977 filed on January 6, 2000, entitled METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.59(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of the CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 Statement:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on DATE 1.116 FIRST FILED under 37 C.F.R. 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
[INVENTOR(S)' NAME(S) TO DELETE]
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☒ A new power of attorney or authorization of agent (PTO/SB/81) will follow.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations


**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

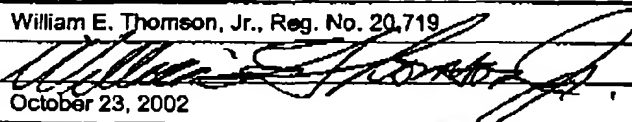
Exhibit B  
page 4 of 4

CALCULATION OF FEES						
ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE	\$ AMOUNT	\$ FEE
A TOTAL CLAIMS FEE	55	-20	35	LG=\$18 SM=\$9	\$(FEE)	\$630
B INDEPENDENT CLAIMS FEE**	2	-3	0	LG=\$84 SM=\$42	\$(FEE)	\$ 0
C SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						\$ 630
D MULTIPLE-DEPENDENT CLAIMS FEE				LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140		\$(FEE)
E BASIC FEE				LARGE ENTITY FEE = \$740 SMALL ENTITY FEE = \$370		\$ 740
F TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)						\$ 1,370
**LIST INDEPENDENT CLAIMS 1 and 43						

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 1314 :
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of [#] months (not to exceed 3 months) and the fee under 37 CFR 1.17(I) is enclosed.
11. ☒ New Attorney Docket Number, if desired 89188.0008  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. ☐ Other: DESCRIPTION OF "OTHER"

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS						
<input checked="" type="checkbox"/> Customer Number or Bar Code Label				or <input type="checkbox"/> New correspondence address below		
26021 PATENT TRADEMARK OFFICE						
NAME	William E. Thomson, Jr. HOGAN & HARTSON L.L.P.					
ADDRESS	Biltmore Tower 500 South Grand Avenue Suite 1900					
CITY	Los Angeles	STATE	California	ZIP CODE	90071	
COUNTRY	USA	TELEPHONE	(213) 337-6700	FAX	(213) 337-6701	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	William E. Thomson, Jr., Reg. No. 20,719
SIGNATURE	
DATE	October 23, 2002